

OCT 31 2005

PTO/SB/21 (08-04)

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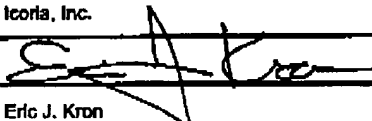
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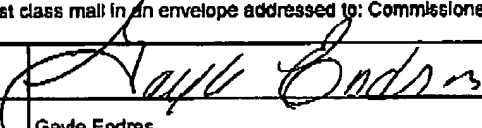
<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/848,985
	Filing Date	May 20, 2004
	First Named Inventor	Matthew M. Tanzer et al.
	Art Unit	1855
	Examiner Name	Christopher Bull
Total Number of Pages in This Submission	Attorney Docket Number	2173US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Restriction Requirement
Remarks VIA FACSIMILE NO. 571-273-8300		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Icoria, Inc.		
Signature			
Printed name	Eric J. Kron		
Date	October 31, 2005	Reg. No.	45,941

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Gayle Endres	Date	October 31, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**RECEIVED  
CENTRAL FAX CENTER****S/N 10/849,985****OCT 31 2005****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Matthew M. Tanzer et al.	Examiner:	Christopher Bull
Serial No.:	10/849,985	Group Art Unit:	1655
Filed:	May 20, 2004	Docket:	2173US
Title:	METHODS FOR THE IDENTIFICATION OF INHIBITORS OF ORNITHINE CARBAMOYLTRANSFERASE AS ANTIBIOTICS		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir or Madam:

This is in response to the Office Action dated September 29, 2005. The Examiner has required restriction between Group I (a method of identifying a test compound by binding to an Ornithine Carbamoyltransferase polypeptide) (claims 1-5), Group II (a fungal growth assay when a fungus is brought into contact with a candidate antibiotic compound) (claims 42-44), Group III (a fungal Ornithine Carbamoyltransferase activity assay) (claims 6-10), Group IV (a method to detect inhibition of fungal Ornithine Carbamoyltransferase expression) (claims 11-17), and Group V (a method to differentially inhibit fungal growth and Ornithine Carbamoyltransferase expression) (claims 18-41).

With respect to the Restriction Requirement, Applicants hereby elect without traverse to pursue the claims of Group I (claims 1-5) and expressly reserve the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned attorney so that further examination of this application can be expedited.

In the event that an extension of time is necessary to allow consideration of this paper, such as extension are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No: 50-0885.


Serial Number: 10/849,985

Filing Date: May 20, 2004

Title: METHODS FOR THE IDENTIFICATION OF INHIBITORS OF ORNITHINE CARBAMOYLTRANSFERASE AS ANTIBIOTICSPage 2  
Dkt: 2173US

The Examiner is invited to telephone Applicant's attorney (919-425-3770) to facilitate prosecution of this application.

Respectfully submitted,



Eric J. Kron

Registration Number 45,941

Attorney/Agent for Applicants

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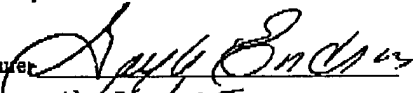
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Name: Gayle Endres

Signature: Date: 10/31/05